

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CASE NO. 5:20-CV-00153-M

CLINTON C. BARLOW and SARAH )  
DAVID, )  
Plaintiffs, )  
v. )  
TRULLIANT FEDERAL CREDIT )  
UNION BANK and MARCIA M. )  
FARROW, )  
Defendants. )

**ORDER**

This matter is before the court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Kimberly A. Swank [DE-3] to dismiss this action without prejudice for failure to prosecute or to comply with this court’s order. Plaintiffs have not filed objections to the M&R, and the deadline for doing so has expired. This matter is ripe for ruling.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); *see* 28 U.S.C. § 636(b). Absent timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (citation and quotation omitted).

The court has reviewed the M&R and the record and is satisfied that there is no clear error on the face of the record. By order dated May 18, 2020 [DE-2], Plaintiffs were directed to submit, on or before June 18, 2020, the \$400 filing fee or an application to proceed without prepayment of

fees and affidavit pursuant to 28 U.S.C. § 1915 and to correct the other noted deficiencies regarding the Complaint [DE-1]. Plaintiffs were warned that the failure to comply may result in dismissal of the action. Plaintiffs did not comply with the court's prior order, nor did they request an extension of time within which to do so.

Accordingly, the court ADOPTS the M&R [DE-3] and for the reasons state therein DISMISSES this action WITHOUT PREJUDICE. The clerk of court is directed to close the case.

SO ORDERED this the 15<sup>th</sup> day of July, 2020.



RICHARD E. MYERS II  
U.S. DISTRICT COURT JUDGE